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10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 *****

13 JULIE SERPA, individually, and as Guardian for her minor child JILL DOE,)	Case No.: <u>3:11-cv-00597-LRH-RAM</u>
14 JILL DOE, a minor,)	
15 vs.)	STIPULATED PROTECTIVE ORDER
16 CHURCHILL COUNTY SCHOOL DISTRICT;)	
17 and SCOTT MEIHACK, in his individual and official capacity,)	
18 Defendants.)	

20
 21 Plaintiffs, Julie Serpa and Jill Doe, a minor, and defendants, Churchill County School
 22 District and Scott Meihack, through their respective counsel, hereby stipulate and represent the
 23 following:

24 1. Plaintiff Julie Serpa, Individually, and as Guardian for her minor child Jill Doe,
 25 and Plaintiff Jill Doe, a minor ("Plaintiffs"), identified certain medical records as required under
 26 Rule 26(a)(1) in the captioned matter, which Plaintiffs consider highly confidential and/or
 27 private information.

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1 2. Defendants Churchill County School District and Scott Meihack ("Defendants")
 2 have requested copies of the medical records identified by the Plaintiffs.

3 3. Plaintiffs will produce the following confidential and/or private information
 4 which would be necessarily disclosed in complying with these requests, provided that the Court
 5 enters an appropriate protective order:

- 6 a. Copies of medical records relating to the treatment of minor child Jill Doe
 from Banner Health/Banner Churchill Community Hospital;
- 7 b. Copies of medical records relating to the treatment of minor child Jill Doe
 from Dr. Kathleen Milbeck;
- 8 c. Copies of medical records relating to the treatment of minor child Jill Doe
 from Churchill Medical Group/Cameron H. Byers, PA-C;
- 9 d. Copies of medical records relating to the treatment of minor child Jill Doe
 from Nancy Conley, M.D., Family Medicine; and
- 10 e. Joanne Lippert's records.

11 4. Defendants have identified certain employment and related records of Eli Curtis
 12 as required under Rule 26(a)(1), which defendants consider confidential and/or private
 13 information.

14 5. Defendants will produce the employment and related records of Eli Curtis
 15 provided the court enters an appropriate protective order.

16 6. The parties further agree that Plaintiff Jill Doe's school records, which Plaintiff
 17 has requested and Defendants will produce, are covered by the terms of this protective order.

18 7. Plaintiffs Julie Serpa, individually and as parent for Jill Doe, a minor, and
 19 defendants Churchill County School District and Scott Meihack have agreed to the above terms.

20 IT IS, THEREFORE, ORDERED that the following procedure shall govern the
 21 production, use and disposal of the referenced confidential documents and information:

22 1. Designation of Confidential Documents and Information: The parties shall mark
 23 such documents as "CONFIDENTIAL" in accordance with the provisions of this Order. Such
 24 documents and information contained therein shall only be used, shown and disclosed as
 25 provided in this Order. The term "confidential documents and information" as used in this Order
 26

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1 shall include all information contained in each document so marked. Any party may seek
 2 intervention from the Court to challenge a "Confidential" designation of any documents made by
 3 the other party.

4 2. Access to Confidential Documents and Information By Counsel and the Parties:
 5 Confidential documents and information shall be made available only to "qualified persons."
 6 The term "qualified persons" means the Court and its officers, counsel of record, counsel's office
 7 staff, Defendant's insurance and claims representatives, expert witnesses retained by the Parties,
 8 and those stenographic and clerical employees assisting such counsel. "Qualified persons" shall
 9 also include mediator(s) agreed upon by the Parties. No other person, including the Defendants,
 10 their trustees, officers, employees, or any agent or representative not specified herein, shall have
 11 access to confidential documents or information without the advance written approval of
 12 Plaintiffs, or further Order of the Court.

13 3. Use of Confidential Documents and Information Generally: Confidential
 14 documents and information may be used solely for the purpose of the captioned lawsuit and for
 15 no other purpose.

16 4. Use of Confidential Documents and Information in the Captioned Lawsuit:
 17 Confidential documents or information may be used at hearings, trial, depositions, mediations,
 18 arbitrations, or depositions in this matter as follows:

19 A. Use in Court Filings: If either counsel intends to use confidential
 20 documents or information in a court filing in this matter, that counsel will submit the
 21 information under seal such that it may be reviewed only by the Court and counsel of record in
 22 this litigation. Alternatively, counsel may obtain opposing counsel's written consent that the
 23 confidential documents or information is not required to be submitted under seal.

24 B. Use in Depositions: Neither counsel shall use confidential documents and
 25 information in a deposition in this matter that is attended by any individual party.

26 C. Use in Other Discovery Requests: Any counsel may use confidential
 27 documents and information in document requests, requests for admissions, and interrogatories

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1 served on the Plaintiffs so long as such discovery is not provided to any individual who is not a
2 qualified person.

3 D. Use in Hearing Other Than Trial: If either counsel intends to use
4 confidential documents and information in this matter at a public hearing other than at trial, that
5 counsel will submit the confidential documents and information under seal such that it may be
6 reviewed only by the Court or other qualified persons. Alternatively counsel may obtain written
7 consent that the confidential documents and information is not required to be submitted under
8 seal.

9 E. Use at Trial: The use of confidential documents and information at trial
10 shall be determined by order of this Court. Counsel shall raise the issue of how such information
11 shall be used at trial with the Court at the final pretrial conference.

12 5. Confidentiality Agreement: Prior to providing or disclosing confidential
13 documents and information to any expert witnesses retained by the Parties, those stenographic
14 and clerical employees assisting counsel, or a mediator, counsel shall obtain from the recipient of
15 the confidential documents and information a copy, signed under penalty of perjury and
16 notarized, of the Confidentiality Agreement (the form of which is attached as Exhibit 1 to this
17 Stipulated Protective Order) requiring that the recipient of the confidential documents or
18 information keep such information confidential in accordance with the terms of this Stipulated
19 Protective Order.

20 6. Inadvertent or Unintentional Disclosure: The Parties agree that the inadvertent or
21 unintentional disclosure of confidential documents or information shall not be deemed a waiver
22 in whole or in part of any claim of confidentiality or protected status. This paragraph applies to
23 both the specific information disclosed as well as any other information relating thereto or on the
24 same or related subject.

25 7. Notice of Breach: Counsel shall promptly report any breach of the provisions of
26 this Stipulated Protective Order to opposing counsel. Upon discovery of any breach of this
27 Stipulated Protective Order, the breaching counsel shall immediately take appropriate action to

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1 cure the violation and retrieve any confidential documents or information that may have been
2 disclosed to persons who are not qualified persons. Counsel shall reasonably cooperate in
3 determining the existence of any such breach.

4 8. Disposal at the Conclusion of the Lawsuit: At the conclusion of the captioned
5 lawsuit, all confidential documents and information and all copies thereof shall be returned to
6 counsel for the party that produced the documents or destroyed. If, after obtaining appropriate
7 approval from opposing counsel, any confidential documents are furnished to any expert witness
8 or to any other person, that counsel shall ensure that all confidential documents are returned to
9 opposing counsel and/or destroyed. Likewise, if, after obtaining appropriate approval from
10 defendants any confidential documents are furnished to any expert witness or to any other
11 person, counsel shall ensure that all confidential documents are returned to opposing counsel
12 and/or destroyed.

13 It is so ORDERED.

14 ENTERED this 9th day of December, 2012.

UNITED STATES DISTRICT JUDGE

BY AGREEMENT:

20 | /s/ Thomas E. Ullrich

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1 **EXHIBIT 1: FORM OF CONFIDENTIALITY AGREEMENT**

2 I, _____, hereby declare that I have received a copy of, read, and
3 understand the Stipulated Protective Order entered in JULIE SERPA, individually, and as Guardian
4 for her minor child JILL DOE, JILL DOE, a minor v. CHURCHILL COUNTY SCHOOL
5 DISTRICT and SCOTT MEIHACK, United States District Court for the District of Nevada, Case
6 No. 3:11-cv-00597-LRH-RAM, on _____ [DATE] (the "Protective Order"). I hereby
7 acknowledge that I have received confidential documents and information, as defined in the
8 Protective Order, and, on pain of contempt of court, I hereby declare that, I will not disclose any
9 part of the confidential documents and information to any third party without consent of an
10 attorney of record in this case, I will use my best efforts to maintain the confidential nature of the
11 documents and information, and I will return or destroy the confidential documents and
12 information in accordance with the terms of the Protective Order.

13 I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true
14 and correct. Executed on _____.

15

16

(Signature)

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18

(Printed Name)

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